

Communicating with CPUC Decision-makers

If you are a formal party to a proceeding, you need to be familiar with rules of ex parte communications, which occur with a CPUC decision-maker outside the formal proceeding. Ex parte communications may be fully permitted, permitted with certain restrictions, or fully prohibited depending on the proceeding. Please read Article 8 of the CPUC's **Rules of Practice and Procedure** to learn more about the rules and requirements of ex parte communications.



This brochure is part of the CPUC Public Advisor's Office Public Participation Information Series. The brochures in the series are:

- # 1 Understanding a CPUC Proceeding
- # 2 Participating at a CPUC Voting Meeting
- # 3 Participating at CPUC Public Participation Hearings and Workshops
- # 4 How to Become a Party in a CPUC Proceeding
- # 5 CPUC Intervenor Compensation Program
- # 6 Ex Parte Communications at the CPUC

More Information

Practice before the CPUC is governed by the Public Utilities Code, the CPUC's **Rules of Practice and Procedure**, specific CPUC orders, and customs and practices developed over time to facilitate the efficient resolution of procedural matters.

If you are looking for general information and guidelines about participating formally at the CPUC, access the CPUC's "Practitioner's Page" at:
<http://www.cpuc.ca.gov/PUC/practitioner>.

*This brochure provides an overview of CPUC practices. Anyone who would like to participate in a CPUC proceeding must follow the CPUC's **Rules of Practice and Procedure**, available at: <http://www.cpuc.ca.gov/rpp/>.*

Learn more about Ex Parte Communications

Scan the code to access more information on the Practitioner's Page.



Public Participation Information Series # 6

Ex Parte Communications at the CPUC

Contact Information for the Public Advisor's Office

E-mail: public.advisor@cpuc.ca.gov
Toll-free: 866-849-8390 or 415-703-2074
TTY: 866-836-7825

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www.cpuc.ca.gov



Equal Access

CPUC proceedings follow specific legal procedures to ensure due process. The procedures include how and when someone may communicate substantive matters with “decision-makers.” The rules ensure that all parties in a proceeding have access to the same information and have the opportunity to respond to the communication.

Naturally, questions such as what is a proceeding’s schedule or where will a hearing be held are not matters of substance and can be asked of anyone.

What are Ex Parte Communications?

Ex Parte Defined

Ex parte communications are an oral or written communication, about an issue before the CPUC, that is stated or provided outside the formal proceeding process. The communication is between an “interested person” and a CPUC “decision-maker” as identified below:

- A “decision-maker” can be the Commissioners, Chief Administrative Law Judge, Assistant Chief Judge, and the judge(s) assigned to the proceeding.
- An “interested person” includes parties, agents or employees of parties, participants in hearings, persons with financial interests in the proceeding, or any representative of any organization who intends to influence the decision of a Commissioner on a matter before the CPUC.

Proceeding Specific Rules

The ex parte rules depend on the type of proceeding:

- Adjudicatory (such as formal complaints) - ex parte communications are prohibited.
- Quasi-legislative (such as the CPUC establishing rules) - ex parte communications are permitted.
- Ratesetting (where the CPUC may change a utility’s rates) - ex parte communications may be allowed, subject to the Rules under Article 8 of the CPUC’s **Rules of Practice and Procedure**, available on the CPUC website. Different types of ex parte communications may include, but are not limited to:
 - ◆ Oral “All Party” meetings.
 - ◆ Individual oral meetings if all other parties are granted individual meetings.
 - ◆ Written communications, provided that the individual serves copies of the documents on all parties the same day as the contact with the decision-maker.

Follow Ex Parte Rules

Interested persons must carefully follow rules regarding ex parte communications, which are set forth in Article 8 of the **Rules of Practice and Procedure**. This aids the CPUC in developing a complete proceeding record. People who violate the rules may be subject to sanctions.



California
Public Utilities
Commission

Consumer Service
& Information Division



Reporting Ex Parte Communications

Ex parte communications that must be reported must follow Rule 8.3 of the CPUC’s **Rules of Practice and Procedure**. To summarize:

- A notice of ex parte communication must be filed within three business days of the communication.
- The notice must describe when and where an ex parte communication occurred, who the decision-maker was, and any other people present.
- The notice must also describe the interested person’s communication and include copies of any documents provided.